

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING MINUTES HELD ON  
WEDNESDAY, JUNE 12, 2002  
AT 7:00 P.M.  
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LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
19925 TWENTY-THREE MILE ROAD  
MACOMB, MICHIGAN 48042

PRESENT: MARIE MALBURG, TREASURER  
JOHN D. BRENNAN, SUPERVISOR  
MICHAEL KOEHS, CLERK  
TRUSTEES: DINO F. BUCCI, JR.  
JANET DUNN  
KENNETH MEERSCHAERT, JR.  
CHARLES OLIVER

Also in attendance: Lawrence Dloski, Township Attorney  
Jim VanTiflen, Township Engineer  
(Additional attendance record on file with Clerk)

ABSENT: None.

CALL MEETING TO ORDER

Supervisor BRENNAN called the meeting to order at 7:00 P.M.

1. ROLL CALL.

Clerk KOEHS Called Roll. All present.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA ITEMS (with any addendum's)

**MOTION by OLIVER seconded by MALBURG to approve the agenda with the following additions:**

Additions:

23a. Request for Family Medical Leave (FMLA) Kathleen Schmidt; Building Department

40a. Extension of Service Contract; Micro Science.

40b. Information Only- Sewer Extension on card Road and 23 Mile Road.

**MOTION carried.**

4. APPROVAL OF BILLS.

**MOTION by DUNN seconded by KOEHS to authorize the approval of bills as submitted.**

**MOTION carried.**

5. APPROVAL OF MEETING MINUTES.

**MOTION by MEERSCHAERT seconded by OLIVER to approve the minutes of May 22, 2002 as presented.**

**MOTION carried.**

6. Public Comments (Non Agenda items only - 3 minute time limit)

**PUBLIC HEARING:**

Chairman BRENNAN opened the Public Hearing at 7:17 P.M.

Public Portion: Township residents stated concerns of Dog Kennels, Existing problems with Edinberg Estates Subdivision, Landscape Easements, Maintenance Contracts, Subdivision Associations, Abandoned lot issues and Weed Control Issues. The residents and members of the Board held further discussion regarding stated concerns.

Chairman BRENNAN closed the Public Hearing at 7:18 P.M.

7. Request to Create Special Assessment District Street Lighting; Deerfield Farms Subdivision.

**MOTION by MEERSCHAERT seconded by KOEHS to adopt the SAD, Street Lighting Deerfield Farms Subdivision; Resolution Ordering Establishment of Street Lighting District as Follows:**

**SAD, Street Lighting Deerfield Farms Subdivision**

**RESOLUTION ORDERING ESTABLISHMENT  
OF STREET LIGHTING DISTRICT**

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Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on **June 12<sup>th</sup>, 2002**, at 7:00 P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie Malburg, Dino F. Bucci, Jr., Janet Dunn, Kenneth Meerschaert, Jr., Charles Oliver

ABSENT: None

The following preamble and resolution were offered by Member OLIVER and supported by Member MEERSCHAERT.

**WHEREAS**, pursuant to 1989 PA 80 (the “Act”), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

**WHEREAS**, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit “A” is necessary to preserve the public health; and

**WHEREAS**, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

**WHEREAS**, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

1. It is hereby directed that a street light or lights shall be installed at Deerfield Farms Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

**3. The initial installation shall equal the sum of \$4,633.36 together with the first annual electrical service charge in the amount of \$447.12. The Township's at-large contribution is \$-0-.**

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

**AYES: OLIVER, MEERSCHAERT, DUNN, BUCCI, MALBURG, KOEHS, BRENNAN.**

**NAYS: NONE**

**ABSENT: NONE**

**RESOLUTION DECLARED ADOPTED.**

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MICHAEL D. KOEHS  
MACOMB TOWNSHIP CLERK

**FOR THIS MOTION: OLIVER, MEERSCHAERT, DUNN, BUCCI, MALBURG, KOEHS, BRENNAN.**

**OPPOSED: NONE.**

**ABSENT: NONE.**

**MOTION carried.**

8. Rezoning Request; Residential Urban – One Family (R-1) to Multiple – Family Low Density District (R-2-L); Located on the north side of 23 Mile Road and approximately 4000 feet west of Card Road; Landtec Inv., LLC, Petitioner. Permanent Parcel No. 08-15-300-003.

Jerome R. Schmeiser reviewed the Rezoning Request and stated the Recommendations to the members of the Board.

Public Portion: None.

Petitioner: Robert Kirk, representative, present.

Mr. Kirk reviewed the request and held further discussion with the members of the Board

**MOTION by OLIVER seconded by MALBURG to deny the Rezoning Request; Residential Urban – One Family (R-1) to Multiple – Family Low Density District (R-2-L); Permanent Parcel No. 08-15-300-003.**

**MOTION carried.**

9. Rezoning Request; Residential Urban – One Family (R-1) to Multiple – Family Low Density District (R-2-L); Located on the north side of 23 Mile Road and approximately 3800 feet west of Card Road; Lantec Inv., LLC, Petitioner. Permanent Parcel No. 08-15-300-004.

Jerome R. Schmeiser, Township Planning Consultant reviewed the Rezoning Request and stated the recommendations of the Planning Commission to the members of the Board.

Public Portion: None.

Petitioner: Robert Kirk, representative, present.

**MOTION by BUCCI seconded by KOEHS to deny the Rezoning Request; Residential Urban – One Family (R-1) to Multiple – Family Low Density District (R-2-L). Permanent Parcel No. 08-15-300-004.**

**MOTION carried.**

10. Rezoning Request; Residential Urban – One Family (R-1) to Multiple – Family Low Density District (R-2-L); Located on the north side of 23 Mile Road and approximately 4200 feet west of Card Road; Lantec Inv., LLC, Petitioner. Permanent Parcel No. 08-15-300-016.

Jerome R. Schmeiser reviewed the Rezoning Request and stated the recommendations of the Planning Commission to the members of the Board.

Public Portion: None.

Petitioner: Robert Kirk, representative, present.

**MOTION by MEERSCHAERT seconded by KOEHS to deny the Rezoning Request; Residential Urban – One Family (R-1) to Multiple – Family Low Density District (R-2-L). Permanent Parcel No. 08-15-300-016.**

**MOTION carried.**

11. Rezoning Request; Agricultural (AG) to Multiple – Family Low Density District (R-2-L); Located on the north side of 23 Mile Road and approximately ½ mile west of Card Road; Landtec Inv., LLC, Petitioner. Permanent Parcel No. 08-15-300-022.

Jerome R. Schmeiser reviewed the Rezoning Request and stated the recommendations of the Planning Commission to the members of the Board.

Public Portion: None.

Petitioner: Robert Kirk, representative, present

**MOTION by DUNN seconded by KOEHS to deny the Rezoning Request; Agricultural (AG) to Multiple – Family Low Density District (R-2-L). Permanent Parcel No. 08-15-300-022.**

**MOTION carried.**

12. Rezoning Request; Residential One Family Suburban (R-1-S) to Office Low Rise (O-1); Located on the west side of Romeo Plank Road and approximately 1700 feet south of 22 Mile Road; Five Star Company, Petitioner. Permanent Parcel No. 08-29-276-006.

Jerome R. Schmeiser reviewed the Rezoning Request and stated the recommendations of the Planning Commission to the members of the Board.

Public Portion: Ardith J. Kraatz, Township Resident, held further discussion regarding the rezoning.

Petitioner: Bill Thompson, representative, present.

Mr. Thompson reviewed the request and held further discussion with the members of the Board.

Larry Dloski, The Township Attorney held a discussion with the members of the Board and petitioner concerning spot zoning.

Member BUCCI stated to the members of the board that he is a friend to the petitioner and has no financial interest in the property.

**MOTION by DUNN seconded by OLIVER to deny the Rezoning Request; Residential One Family Suburban (R-1-S) to Office Low Rise (O-1). Permanent Parcel No. 08-29-276-006.**

**MOTION carried.**

13. Tentative Preliminary Plat; River Pointe Subdivision (30 lots); Located on the north side of 25 Mile Road and approximately 1500 feet east of Hayes Road; Adrian Eskelinen, Petitioner. Permanent Parcel No. 08-06-300-030.

Jerome R. Schmeiser reviewed the Rezoning Request and stated the recommendations of the Planning Commission to the members of the Board.

Public Portion: None

Petitioner: Andrian Eskelinen, present.

**MOTION by DUNN seconded by MALBURG to approve the Tentative Preliminary Plat; River Pointe Subdivision (30 lots); Permanent Parcel No. 08-06-300-030.**

**MOTION carried.**

14. Tentative Preliminary Plat; Rockwood Subdivision No.3 (9 lots); Located on the north side of 21 Mile Road and approximately 120 feet east of Rockwood Drive. Rocco Galati, Petitioner. Permanent Parcel No. 08-28-376-008.

Jerome R. Schmeiser reviewed the Rezoning Request and stated the recommendations of the Planning Commission to the members of the Board.

Public Portion: None.

Petitioner: Nancy Kolinski, representative, present.

**MOTION by MEERSCHAERT seconded by KOEHS to approve the Tentative Preliminary Plat; Rockwood Subdivision No.3 (9 lots); Permanent Parcel No. 08-28-376-008.**

**MOTION carried.**

15. Temporary Site Plan; Winding Creek Subdivision Construction Trailer; Located on the north east corner of Winding Creek Drive and Wingate Drive. Mark Avripas, Petitioner. Permanent Parcel No. 08-05-200-008.

Jerome R. Schmeiser reviewed the Rezoning Request and stated the recommendations of the Planning Commission to the members of the Board.

Public Portion: None.

Petitioner: Dennis Kochanowski, representative, present.

**MOTION by DUNN seconded by OLIVER to approve the Temporary Site Plan; Winding Creek Subdivision Construction Trailer; Permanent Parcel No. 08-05-200-008. Permanent Parcel No. 08-05-200-008 for a time period of one year.**

**MOTION carried.**

16. Final Plan; Woodberry Estates Condominium (179 units); Located on the north side of 21 Mile Road and approximately 660 feet east of Card Road. GTR Builders, Petitioner. Permanent Parcel No. 08-26-351-014.

Jerome R. Schmeiser reviewed the Rezoning Request and stated the recommendations to the members of the Board.

Public Portion: None.

Petitioner: Craig Duckwitz, representative, present.

**MOTION by OLIVER seconded by MALBURG to approve the Final Plan; Woodberry Estates Condominium (179 units). Permanent Parcel No. 08-26-351-014.**

**MOTION carried.**

17. Request to approve the Preliminary Site Plan for the Parks & Recreation Center.

Deborah J. Cooper, Representative of Beckett & Reader Inc. reviewed the plans to the members of the Board.



Public Portion: None

**MOTION by KOEHS seconded by MEERSCHAERT to approve the Request to approve the Preliminary Site Plan for the Parks & Recreation Center.**

**MOTION carried.**

18. Request Extension of Conditional Work Hour & Noise Level Variance; Romeo Arm Interceptor in Garfield Road; Jay Dee Contractors, Inc., Petitioner.

Chairman BRENNAN reviewed the request to the members of the Board and held further discussion.

Public Portion: None.

Petitioner: Not present.

**MOTION by DUNN seconded by KOEHS to approve for a period of ninety days for the Request of Extension of Conditional Work Hour & Noise Level Variance.**

**MOTION carried.**

19. Request approval to revise the Consent Judgment in regards to site plan exhibits at the Riverside Project.

Larry Dloski, The Township attorney reviewed the request to the members of the board and held further discussion.

Public Portion: None.

**MOTION by KOEHS seconded by DUNN to authorize legal council to sign amended consent judgement with the new drawings in regards to site plan exhibits at the Riverside Project.**

**MOTION carried.**

20. Request to authorize Counsel to defend in regards to GTR Builders v Macomb Township.

Larry Dloski, The Township attorney reviewed the request to the members of the Board and held further discussion.

Public Portion: None.

**MOTION by DUNN seconded by OLIVER to authorize Legal Counsel Larry Dloski, Township Attorney to defend in regards to GTR Builders v Macomb Township.**

**MOTION carried.**

21. Request approval for River Day Project; St. Isidore Church.

Chairman BRENNAN reviewed the request.

Public Portion: None.

**MOTION by KOEHS seconded by MEERSCHAERT to support the Request for the River Day Project; St. Isidore Church.**

**MOTION carried.**

22. Review of Plante and Moran Audit Proposal.

Chairman BRENNAN reviewed the Audit Proposal and held further discussion.

Public Portion: None.

**MOTION by OLIVER seconded by MALBURG to approve to engage the Review of Plante and Moran Audit Proposal for the upcoming year of 2003.**

**MOTION carried.**

23. Michigan Townships Association (MTA) membership renewal.

Chairman BRENNAN reviewed the request with the members of the Board.

Public Portion: None.

**MOTION by DUNN seconded by MALBURG to approve the Michigan Townships Association (MTA) membership renewal amount of Four Thousand Eight Hundred Forty Seven Dollars and thirty-eight Cents (\$4,847.38).**

**MOTION carried.**

23a. Request for Family Medical Leave (FMLA) Kathleen Schmidt; Building Department

Chairman BRENNAN reviewed the request with the members of the Board.

Public Portion: None.

**MOTION by MEERSCHAERT seconded by MALBURG to grant the approval of the Request for Family Medical Leave (FMLA) Kathleen Schmidt; Building Department.**

**MOTION carried.**

24. Request to hire Temporary Help for employee on Family Medical Leave.

Chairman BRENNAN reviewed the request with the members of the Board.

**MOTION by DUNN seconded by OLIVER to approve the Request to hire Temporary Help for employee on Family Medical Leave.**

**MOTION carried.**

25. Appointment of Hearing Officer to have two abandoned basements removed.

Bob Beckett Building Official, reviewed the request with the members of the Board.

Public Portion: None.

**MOTION by DUNN seconded by OLIVER to approve the appointment of the Hearing Officer.**

**MOTION carried.**

26. Request to purchase two new computers for Station No.2 and one laptop computer.

Chairman BRENNAN reviewed the request and recommended that the item be tabled.

Public Portion: None.

**MOTION by KOEHS seconded by BUCCI to table until the next Regular Township Board Meeting of Wednesday June 26, 2002.**

**MOTION carried.**

27. Resignation of probationary Firefighter.

Chairman BRENNAN reviewed the request and held further discussion.

Public Portion: None.

**MOTION by OLIVER seconded by DUNN to accept the Resignation of probationary Firefighter Sarah L. Hididd.**

**MOTION carried.**

28. Easement Encroachment Request; Mathew & Maria Dertinger, 21167 Vesper Drive, Macomb, MI 48044, Lot 18, Stagsleap Pointe Subdivision. Validation of Phone Poll.

David Koss, Water and Sewer Department Superintendent reviewed the request and asked that it be granted.

**MOTION by OLIVER seconded by MEERSCHAERT to approve the Easement Encroachment Request; Mathew & Maria Dertinger, 21167 Vesper Drive, Macomb, MI 48044, Lot 18, Stagsleap Pointe Subdivision. Validation of Phone Poll.**

**MOTION carried.**

29. Easement Encroachment Request; Gary & Pamela Joyce Turner, 50777 Middle River Drive, Macomb, MI 48044, Lot 8, Middle River Estates Subdivision. Tabled from the meeting of 5/22/02.

David Koss, Water and Sewer Department Superintendent reviewed the request and asked that it be granted.

**MOTION by DUNN seconded by MALBURG to approve the Easement Encroachment Request; Gary & Pamela Joyce Turner, 50777 Middle River Drive, Macomb, MI 48044, Lot 8, Middle River Estates Subdivision. Tabled from the meeting of 5/22/02.**

**MOTION carried.**

30. Easement Encroachment Request, Christopher J. & Michelle Scaglione, 19904 Mapleton Drive, Macomb, MI 48044, Lot 167, Westchester Farms Subdivision No.2.

David Koss, Water and Sewer Department Superintendent reviewed the request and asked that it be granted.

**MOTION by MALBURG seconded by BUCCI to approve the Easement Encroachment Request, Christopher J. & Michelle Scaglione, 19904 Mapleton Drive, Macomb, MI 48044, Lot 167, Westchester Farms Subdivision No.2.**

**MOTION carried.**

31. Easement Encroachment Request, Edward G. & Mary C. Skiba, 45936 Riverwoods Drive, Macomb, MI 48044, Lot 97, Westchester Farms Subdivision.

David Koss, Water and Sewer Department Superintendent reviewed the request and asked that it be granted.

**MOTION by DUNN seconded by MALBURG to approve Easement Encroachment Request, Edward G. & Mary C. Skiba, 45936 Riverwoods Drive, Macomb, MI 48044, Lot 97, Westchester Farms Subdivision.**

**MOTION carried.**

32. Easement Encroachment Request, David R. Bennett, 17456 Muirfield Drive, Macomb, MI 48042, Lot 161, Country Club Village of the North Subdivision.

David Koss, Water and Sewer Department Superintendent reviewed the request and asked that it be granted.

**MOTION by OLIVER seconded by KOEHS to approve the Easement Encroachment Request, David R. Bennett, 17456 Muirfield Drive, Macomb, MI 48042, Lot 161, Country Club Village of the North Subdivision.**

**MOTION carried.**

33. Easement Encroachment Request, Michael T. Stone, 47143 Lexington Drive, Macomb, MI 48044, Lot 51, Valley Forge Subdivision.

David Koss, Water and Sewer Department Superintendent reviewed the request and asked that it be granted.

**MOTION by OLIVER seconded by KOEHS to approve the Easement Encroachment Request, Michael T. Stone, 47143 Lexington Drive, Macomb, MI 48044, Lot 51, Valley Forge Subdivision. This motion is contingent upon the verification of the records identifying the proper names.**

**MOTION carried.**

34. Easement Encroachment Request, Suzanne J. Leonard, 19415 Concetta Drive, Macomb, MI 48044, Lot 12, Rockwood Subdivision.

David Koss, Water and Sewer Department Superintendent reviewed the request and asked that it be granted.

**MOTION by KOEHS seconded by DUNN to approve the Easement Encroachment Request, Suzanne J. Leonard, 19415 Concetta Drive, Macomb, MI 48044, Lot 12, Rockwood Subdivision. This motion is contingent upon the verification of the records identifying the proper names.**

**MOTION carried.**

35. Easement Encroachment Request, Kenneth W. & Cynthia Kuehnel, 54651 Congaree Drive, Macomb, MI 48042, Lot 261, Sumpter Forest Subdivision.

David Koss, Water and Sewer Department Superintendent reviewed the request and asked that it be granted.

**MOTION by KOEHS seconded by MEERSCHAERT to approve the Easement Encroachment Request, Kenneth W. & Cynthia Kuehnel, 54651 Congaree Drive, Macomb, MI 48042, Lot 261, Sumpter Forest Subdivision. This motion is contingent upon the verification of the records identifying the proper names.**

**MOTION carried.**

36. Easement Encroachment Request, Terry A. & Sharon M. Balabuch, 18645 Sabine Drive, Macomb, MI 48042, Lot 204, Sumpter Forest Subdivision.

David Koss, Water and Sewer Department Superintendent reviewed the request and asked that it be granted.

**MOTION by OLIVER seconded by MALBURG to approve the Easement Encroachment Request, Terry A. & Sharon M. Balabuch, 18645 Sabine Drive, Macomb, MI 48042, Lot 204, Sumpter Forest Subdivision.**

**MOTION carried.**

37. Request for Temporary Cement Batch Plant  
a. Fieldstone Estates

Chairman BRENNAN reviewed the request and held further discussion.

Petitioner: Tony Cardillo, representative of John Carlo, present.

**MOTION by DUNN seconded by KOEHS to approve the Request for Temporary Cement Batch Plant for Cornerstone Village and Fieldstone Estates for a period of thirty days (30 days), the plant is to be located in Cornerstone Village Subdivision. Expiration Date of July 15, 2002.**

**MOTION carried.**

**(OLIVER OPPOSED)**

37. Request for Temporary Cement Batch Plant  
b. Landcaster Subdivision

No action taken.

38. Approval of Detroit Elevator Contractor

David Koss, Water and Sewer Department Superintendent reviewed the request and asked that it be granted.

**MOTION by DUNN seconded by MALBURG to approve the Detroit Elevator Contract.**

**MOTION carried.**

39. Approval of Purchase Requisitions:  
a. SLC Meter Service  
b. Contractors Connection  
c. East Jordon Iron Works, Inc.

David Koss, Water and Sewer Department Superintendent reviewed the requests and asked that it be granted.

**MOTION by DUNN seconded by BUCCI to approve the Purchase Requisitions: a. SLC Meter Service in the amount of Four Thousand Sixty Dollars and 00/100 ( \$4,060.00).**

**MOTION carried.**

**MOTION by KOEHS seconded by MALBURG to approve the Purchase Requisition: b. Contractors Connection in the amount of One Thousand Four Hundred Sixty Dollars and 30/100 (\$1,460.30).**

**MOTION carried.**

**MOTION by DUNN seconded by KOEHS to approve the Purchase Requisition: c. East Jordon Iron Works, Inc. in the amount of Twenty-Five Thousand Seven Hundred and Eighty One Dollars and 58/100 (\$25,781.38).**

**MOTION carried.**

**BOARD COMMENTS:**

40. Supervisor's Comments

40a. Extension of Service Contract; Micro Science.

Chairman BRENNAN reviewed and held further discussion.

Public Portion: None.

**MOTION by DUNN seconded by KOEHS to approve the Extension of Service Contract; Micro Science for a fixed annual cost of Thirty Four Thousand Eight Hundred Dollars and 00/100 (\$34,800) paid in monthly installments One Thousand Nine Hundred Dollars and 00/100 (\$2,900 per month) for a period of one year.**

**MOTION carried.**

40b. Information Only- Sewer Extension on Card Road and 23 Mile Road.

Chairman BRENNAN reviewed and held further discussion.

Public Portion: Township Residents stated comments and positive remarks concerning the issue.

**MOTION by OLIVER seconded MEERSCHAERT to grant and move forward on this Sewer Extension on card Road and 23 Mile Road.**

**MOTION carried.**

41. Clerk's Comments

None.

42. Treasurer's Comments

None.

43. Trustee's Comments

None.



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**ADJOURNMENT**

**MOTION by MEERSCHAERT seconded by DUNN to adjourn the meeting at 8:37 p.m.**

**MOTION carried.**

Respectfully,

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John D. Brennan, Supervisor

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Michael D. Koehs, Clerk  
Gabrielle M. Baker, Recording Secretary

MDK/gmb